



Express Mail Certificate EV 367 779 691 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : George A. Durden, *et al.*
Serial No. : 09/751,809
Filing Date : December 29, 2000
Title : Methods for Formulating, Delivering and Managing Data
Concerning Programming Content and Portions Thereof
Attorney Docket : BS00023 (36968/198826)

Office of Petitions
Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF PETITION UNDER 37 CFR § 1.137(f)

Sir:

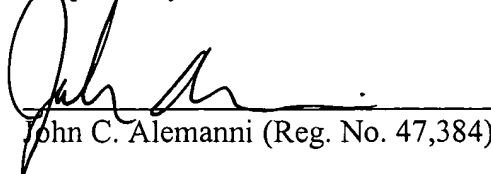
The undersigned has been made aware that the above-referenced patent application has been deemed abandoned. Accordingly, the undersigned submits herewith a *Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing* under 37 CFR § 1.137(f) (Form PTO/SB/64a).

A Rescission of Non-publication Request was not previously submitted in this case. Accordingly, the undersigned submits herewith a *Rescission of Previous Nonpublication Request* 35 U. S. C. 122(b)(2)(B)(ii) and, if Applicable Notice of Foreign Filing (35 U. S. C. 122(b)(2)(B)(iii)).

The undersigned also submits herewith the petition fee under 37 CFR § 1.17(m). The undersigned believes that no additional fees are due. However, if additional fees are due, the undersigned hereby authorizes the Commissioner to charge any necessary fees to Deposit Account 16-1435.

Please contact the undersigned with any questions or comments at (336) 607-7311.

Respectfully submitted,


John C. Alemanni (Reg. No. 47,384)

Date: August 26, 2004

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101-2400
Telephone: (336) 607-7300; Facsimile: (336) 607-7500



DAK
IAW

Express Mail EV 367 779 691 US

PTO/SB/64a (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL
FILING (37 CFR 1.137(f))**

Docket Number (Optional)

BS00023 (36968/198826)

First named inventor: George A. Durden

Application No.: 09/751,809

Art Unit: Unknown

Filed: December 29, 2000

Examiner: Unknown

Attention: Office of Petitions

Mail Stop: Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1. Petition fee

☐ Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,330.00 (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is May 24, 2001.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/30/2004 00000000 03751605

01 FC:1453

1330.00 0P

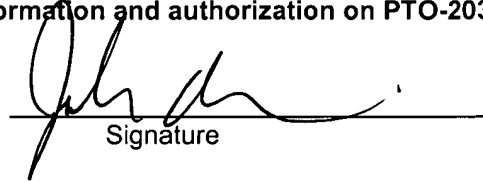
STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 26, 2004

Date


Signature

Telephone

Number: 336-607-7311

John C. Alemanni, Reg. No. 47,384

Typed or printed name

Kilpatrick Stockton LLP

Address

1001 West Fourth Street

Address

Winston-Salem, NC 27101-2400

Address

Enclosures: ☒ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Rescission of Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B)(ii) and, if Applicable Notice of Foreign Filing (35 U.S.C. 122(b)(2)(iii));

☒ Other: Transmittal of Petition Under 37 CFR § 1.137(f)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

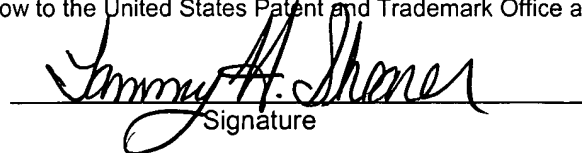
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

August 26, 2004

Date


Signature

Tammy H. Shearer

Type or printed name of person signing certificate